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6 Counsel for Defendant HICKEY

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) No. CR-07-0634 MMC
) <i>file</i>
12 Plaintiff,) MOTION AND PROPOSED ORDER TO
) SEAL SUPPLEMENTAL DECLARATION
13 v.) OF ELIZABETH M. FALK IN SUPPORT
) OF SENTENCING MEMORANDUM
14 DANIEL HICKEY,) <i>file</i>
) FILED UNDER SEAL
15 Defendant.)
16)

17 Attorney of record Elizabeth M. Falk now moves this Court to file under seal the
18 enclosed Supplemental Declaration of Elizabeth M. Falk in Support of Defendant's Sentencing
19 Memorandum and its attachments, submitted herewith, as well as this Motion to Seal said
20 stipulation. This declaration, namely Exhibits AA, BB, and CC attached to the declaration,
21 contains confidential medical records and reports that were disclosed to counsel with the
22 provision that counsel maintain their confidential nature with the Court. As these items should
23 not be placed on the public docket for confidentiality reasons, counsel now moves herein for a
24 Sealing Order.

25 **ARGUMENT**

26 The medical records and reports attached to the contain sensitive and personal

1 information about Mr. Hickey that is traditionally not placed on the public docket. Pursuant to
2 Northern District of California Criminal Local Rule 32-7, said information remains confidential
3 and is only read and utilized by the U.S. Probation Department and the Court. Sealing the
4 records will maintain their confidential nature in accordance with the local rule, and will keep
5 these documents out of the public record. Accordingly, undersigned counsel moves for a Sealing
6 Order ensuring that the documents attached to the Supplemental Falk Memorandum remain
7 confidential. Counsel intends to file the remaining exhibits and attachments to the Sentencing
8 Memorandum, as well as the Sentencing Memorandum itself, as a part of the publically available
9 docket.

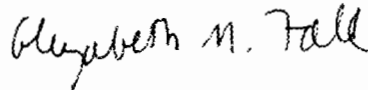
10 CONCLUSION

11 Wherefore, Mr. Hickey requests that this Court will grant this motion and order this
12 motion, the proposed order, and the document entitled "Supplemental Declaration of Elizabeth
13 M. Falk In Support of Defendant's Sentencing Memorandum" and its attachments AA-CC to be
14 filed under seal.

15
16 Dated: April 16, 2008

17 Respectfully submitted,

18 BARRY J. PORTMAN
19 Federal Public Defender

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21 ELIZABETH M. FALK
22 Assistant Federal Public Defender

23 ~~PROPOSED~~ ORDER

24 *mmc* For good cause shown, ~~the above motion, this order, and~~ the document entitled
25 "Supplemental Declaration of Elizabeth M. Falk in Support of Defendant's Sentencing
26

1 *max*
Memorandum" and its attachments, to be filed ~~later~~ today ~~on April 16, 2008~~, shall be maintained
2 under seal until further order of the Court.

3 IT IS SO ORDERED.

4
5 Dated: 04/17/08, 2008


THE HONORABLE MAXINE M. CHESNEY
United States District Judge